

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Ryousuke KANESHIGE et al.

Application No.: 10/534,580

Confirmation No.: 4471

Filed: May 11, 2005

Art Unit: 1797

For: LUBRICATING OIL COMPOSITION AND
LUBRICATING OIL FOR INTERNAL-
COMBUSTION ENGINES

Examiner: T. Oladapo

DECLARATION UNDER 37 C.F.R. § 1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Madam:

1. I, Ryousuke Kaneshige, declare and say as follows:
2. I am the co-inventor of the present application, U.S. Patent Application No. 10/534,580, as well as U.S. Patent Application Publication No. 2002/0035044 to Okada et al. (hereinafter, "Okada '044").
3. I have reviewed the prosecution history of U.S. Patent Application No. 10/534,580. I am familiar with the rejection of the claimed subject matter over Okada '044 in view of U.S. Patent No. 6,322,692 to Cody et al. and further in view of U.S. Patent No. 6,459,005 to Hirano et al. I have reviewed the rejection based upon these references in the Office Action dated October 17, 2008.
4. I am one of the co-inventors of Okada '044. The inventors, including myself, associated with Okada '044 used pour-point depressants having a melting point higher than -13°C. The examples in Okada '044 were only done using "ACLUUBE 133" pour-point depressant, which has a melting point of -11.4°C.

5. I have also independently determined the melting point of the "ACLUBE 133" pour-point depressant. As a result, the melting point of the "ACLUBE 133" was found to be -11.4 °C.
6. Therefore, Okada '044 does not provide any disclosure or teaching regarding a pour-point depressant having a melting point as measured with DSC of not higher than -13°C. Moreover, none of the experiments of Okada '044 disclose the pour-point depressant with a melting point of not higher than -13°C as recited in the pending claims.
7. The undersigned declares further that all statement made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S. Code 1001 and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

By: Ryonsuke Kaneshige Date: January 19, 2009
Ryonsuke Kaneshige